

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EDWARD WAGNER,)	
)	Case No. C06-1400-RSL
Plaintiff,)	
)	
v.)	
)	ORDER FOR REMAND
JO ANNE B. BARNHART, Commissioner,)	
Social Security Administration,)	
)	
Defendant.)	
_____)	

Based on the stipulation of the parties (Dkt. No. 11), it is hereby ORDERED that the above-captioned case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g), including a different Administrative Law Judge (ALJ), further development of the record, a new hearing and a new decision.

On remand, the ALJ will: (1) comply with the U.S. District Court and Appeals Council order by giving further consideration to the treating and examining source opinions pursuant to the provisions of 20 C.F.R. § 404.1527, Social Security Ruling (SSR) 96-2p, and SSR 96-5p and non-examining source opinions pursuant to the provisions of 20 C.F.R. § 404.1527(f) and SSR 96-6p, and explain the weight given to such opinion evidence; (2) obtain medical expert evidence to clarify the nature and severity of Plaintiff's impairments prior to Plaintiff's date last insured; (3) further evaluate the severity of all of Plaintiff's impairments

ORDER FOR REMAND

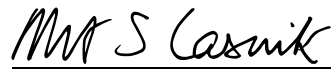
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prior to his date last insured; (4) in light of the expanded record, re-evaluate Plaintiff's residual functional capacity pursuant to SSR 96-8p prior to his date last insured; and (5) limit the period of review from January 1, 1998, his amended alleged onset date, to December 18, 2000, the date Plaintiff was found disabled in the previous decision.

Plaintiff may present new arguments and evidence. The ALJ may perform further development and conduct further proceedings as necessary.

Upon proper presentation, the Court will consider Plaintiff's application for costs, expenses and attorney's fees under 28 U.S.C. § 2412(a),(d) and 42 U.S.C. § 406(b).

DATED this 19th day of January, 2007.


Robert S. Lasnik
United States District Judge

Recommended for entry
this 18th day of January, 2007.

/s/ JAMES P. DONOHUE
United States Magistrate Judge

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